

# The Diplomat

## How Taiwan Can Upstage China

Taiwan's South China Sea claims are outdated. It could earn some vital regional goodwill by abandoning them.

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The recent confrontations in the South China Sea between China, Vietnam and the Philippines, and the subsequent street demonstrations in Hanoi and Ho Chi Minh City are an unwelcome reminder that long simmering tensions in the waters off Southeast Asia could boil over at any time.

The past month has seen diplomats and officials in Beijing, Hanoi and Manila engage in a round of accusations, protests and denials, with even usually quiet Singapore prompted to call on China to clarify its territorial claims.

Taiwan, meanwhile, reiterated its position, emphasizing its sovereignty over the contested territory. According to a June 15 statement from the Ministry of Foreign Affairs, Taiwan noted 'that the Nansha Islands, the Shisha Islands, the Chungsha Islands and the Tungsha Islands, as well as their surrounding waters, sea beds and subsoil are all an inherent part of the territory of the Republic of China (Taiwan).' Moreover, on June 22, as reported by Channel News Asia, Minister of Foreign Affairs Timothy C.Y. Yang spoke of increasing military patrols on Taiwan-held islands.

Odd as it may seem given their history of animosity, the South China Sea territorial claims of the governments of China and Taiwan are nearly identical. Both the People's Republic of China and the Republic of China base their modern day claims on the so-called 'nine-dotted' or 'U-shaped' line visible on maps issued by the then Nanjing-based Republic of China government in 1947.

In the years since 1947, Taiwan has issued periodic statements regarding its claims. In 1993, it asserted sovereignty over the bulk of the South China Sea, including the Spratly, Pratas, and Paracel islands. In 1995, Taipei both reiterated its claim to the 'U-shaped line' and initiated construction on Itu Aba Island (Tai Ping Tao) in the Spratlys despite longstanding territorial claims to that tiny island by the Philippines and Vietnam as well as China.

The current Taiwanese position hasn't changed in any fundamental way in the years since 1947, despite both Taiwan and the region having evolved dramatically in that time.

But hewing to the nine-dotted line claim of 1947 in 2011 imposes a needless liability on modern day Taiwan. Taiwan needs good relations with its Southeast Asian neighbours. Democratic

Taiwan wants to, as it should, be perceived as a responsible international actor both in Asia and globally. The excessive maritime claims embodied by the 1947 declaration, however, fly in the face of this. Taipei's continued adherence to China's maritime territorial claims is therefore inimical to Taiwan's long-term regional and international interests.

By holding to outdated and legally untenable claims, Taiwan risks alienating its ASEAN neighbours while its already deep economic ties to them continue to grow. By siding with Beijing on the excessive maritime claims inherited from 1947, an already isolated Taipei risks alienating neighbours that are increasingly wary of China, and that could potentially become more sympathetic to Taiwan.

Taiwan has now, in the choppy waters of the South China Sea, an opportunity to demonstrate its commitment to international harmony and to being a constructive force for regional stability. Taipei ought to modify its maritime territorial claims in a manner that's both more acceptable to its Southeast Asian neighbours, and in accordance with international law.

Taiwan would be wise to adopt a modified claim based on the 200 nautical mile limit as enunciated by the United Nations Convention on the Law of the Sea (UNCLOS) in its definition of exclusive economic zones. By adopting this stance, Taipei would be able to maintain a claim to a substantial portion of the South China Sea while stepping back from those territorial claims that are particularly aggressive, ambitious and intellectually offensive to its neighbours. Doing so would also bring Taipei's positions – unlike those of Beijing – into compliance with international law and the UNCLOS.

Importantly, such a modification of its maritime territorial claims would not constitute a wholesale renunciation of Taiwan's interests in the South China Sea.

Under the proposed arrangement, Taiwan's naval forces and commercial shipping interests would continue to enjoy access to, and passage through, the South China Sea. In negotiating a more reasonable position with the Vietnamese and Philippine authorities, Taiwan would have the opportunity to safeguard its oil, gas and fishing interests in the Sea. These interests would surely be better served by a harmonious South China Sea than by one fraught with confrontations, as is the case at present. Moreover, this arrangement need not entail withdrawal of Taiwanese forces from Itu Aba and other islands. Sovereignty over the islands can be negotiated between claimant states at a future date, once Taiwan steps away from its legally spurious claim to the entire sea.

Much more importantly, given Beijing's standing threat of a military response to a move towards Taiwan independence, it wouldn't constitute – and could not reasonably be construed as – constituting such a move by Taipei.

There may be some concerns that China would react militarily to such an adjustment of Taiwan's territorial claims. History, however, indicates otherwise. Just as President Lee unofficially abandoned the Taiwan's claim to mainland China in 1991, Taipei today could all-but-officially adopt a more reasonable and conciliatory policy towards the South China Sea. Surely, Beijing would engage in hysterics for some time, but these would eventually pass.

A more regionally accommodating, legally defensible and internationally acceptable de-facto position on the South China Sea could be presented by Taiwan as promoting a Chinese foreign policy more mature, more realistic and more regionally accommodating than that emanating from Beijing.

Furthermore, Taiwan's tacit adoption of a modified claim could also help to move the dialogue between China and Southeast Asia forward. Not only would it put pressure on Beijing to adopt a position more acceptable to its neighbours, but Taipei's decision to make the first move could provide Beijing with a face-saving way of backing away from its current claims.

Taiwan has now in the South China Sea dispute an opportunity to take the high road and to upstage Beijing in the eyes and esteem of a wary Southeast Asia and an anxious world.

Taiwan's military forces are not, and will never be, the deciding factor in any large-scale confrontation over the rocks, islands and reefs of the South China Sea. Any decision by Taiwan to modify its position would therefore be largely symbolic. Still, it would send an important signal to its Southeast Asian neighbours, to the international community and to Beijing. And in international relations, signals really do matter.

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